COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No.52 of 2004

Rishi Ram Mishra, S/o Late Radha Krishna Mishra
At present working as Junior Clerk in the office of
Soil Conservation, New Tehri, Distt. Tehri Garhwal

... Petitioner

Vs

State of Uttaranchal through Secretary,
Agricultural Dept., Dehradun and others

... Respondents

Dated: May 22, 2006

Sri S.N. Babulkar, Sr. Advocate, learned counsel for the petitioner.
Sri K.P. Upadhyaya, Id. standing counsel for respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

This special appeal has been preferred by the appellant against the judgment and order dated 13.7.2004 passed by learned Single Judge of this Court in Writ Petition No.3042(S/S) of 2001, Rishi Ram Mishra Vs. State of Uttaranchal and others.

2. Learned counsel for the appellant/petitioner made a prayer that the appellant/petitioner may be afforded an opportunity to make a representation before the authorities concerned relating to his re-fixation of seniority and the authority concerned may be directed to decide the same expeditiously.

3. Having regards tot the facts of the case, it is provided that the appellant/petitioner may make a representation tot he concerned authority for re-fixation of his seniority within a period of fifteen days from the

date of production of certified copy of this order and thereafter the authority concerned shall consider to re-fix the seniority of the appellant/petitioner in view of the law laid down by the Hon'ble Apex Court in the case of *Surya Kant Kadam Vs. State of Karnataka and others,* reported in JT 2001(13) SC 485, within a period of one month thereafter.

4. With the aforesaid observation, the special appeal is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang